

CIVIL RIGHTS IMPACT ANALYSIS
INTERIM RULE:
ENVIRONMENTAL QUALITY INCENTIVES PROGRAM
NATURAL RESOURCES CONSERVATION SERVICE
US DEPARTMENT OF AGRICULTURE

This review evaluates the Environmental Quality Incentives Program (EQIP) Interim Rule, implementing provisions of the Agriculture Improvement Act of 2018, for actual or potential civil rights issues. The review analyzes the Interim Rule to ensure compliance with Departmental Regulation (DR) 4300-4, “Civil Rights Impact Analysis”; 7 C.F.R. Part 15d, “Nondiscrimination in Programs and Activities Conducted by the United States Department of Agriculture”; and DR 1512-1, “Regulatory Decision-Making Requirement”. The review reveals no factors indicating that the EQIP Interim Rule would have a disproportionate adverse civil right impact for Natural Resources Conservation Service (NRCS) producers of any gender, racial or ethnic group or on NRCS producers with a disability.

BACKGROUND

EQIP is a voluntary nationwide program implemented under the general supervision and direction of the Chief of NRCS, under the borrowing authority of the Commodity Credit Corporation (CCC). EQIP is available in any of the fifty (50) States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands. The purpose of the program is to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits.

Through EQIP, NRCS provides financial and technical assistance to eligible farmers and ranchers to implement conservation practices that address soil, water, air quality, wildlife habitat, surface and groundwater conservation, and related natural resource concerns. Eligible lands include cropland, grassland, rangeland, pastureland, nonindustrial private forestland, and other agricultural land (including cropped woodland, marshes, environmentally sensitive areas, and agricultural land used to produce livestock). EQIP's financial and technical assistance help producers comply with environmental regulations and enhance agricultural and forested lands in a cost-effective and environmentally beneficial manner. Participation in the program is voluntary.

The EQIP program was authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996 (the 1996 Act), 16 U.S.C. § 3836a, which added chapter 4 of subtitle D of Title XII of the Food Security Act of 1985 (the 1985 Act), 16 U.S.C. § 3839aa et seq. The 2012 Act further amends chapter 4 of subtitle D of Title XII of the 1985 Act. NRCS first allocated funds for EQIP in 1996. EQIP was reauthorized by the Agricultural Act of 2014 (2014 Act) to promote agricultural production and environmental quality as compatible national goals.

EQIP continues USDA's commitment to streamlining and improving its conservation programs and providing flexible technical and financial assistance to producers to install and maintain conservation systems that enhance soil, water, related natural resources and wildlife habitat while sustaining production of food and fiber on farmland, rangeland and forestland. Over the life of the program, EQIP has entered into approximately 626,162 contracts with farmers and ranchers to apply conservation practices on approximately 254 million acres.

LEGISLATIVE CHANGES

The Agriculture Improvement Act of 2018 (2018 Act) amended Chapter 4 of Subtitle D of Title XII of the Food Security Act of 1985 by making the following changes to the EQIP program requirements:

- Combines the statutes for EQIP and the Conservation Stewardship Program (CSP) under Chapter 4 as subchapter A EQIP and Subchapter B CSP.
- Expands the purpose of EQIP to include addressing any identified and new or expected resource concerns, and adapting to, and mitigating against, increasing weather volatility and drought resiliency measures.
- Adds definitions for: conservation planning survey; incentive practice; priority resource concern; soil testing; and soil remediation. Also adds environmentally sensitive areas to the definition of “eligible lands”.
- Changes the advance payment amount from “not more than”, to “at least” fifty (50%) percent; requires producers to be notified of the advance payment option at the time of enrollment; and requires that producers’ elections are documented.
- Authorizes NRCS to designate at the State level up to ten high-priority practices to be eligible for increased payments, not to exceed ninety (90%) percent of the costs.
- Decreases the livestock funding target from sixty (60%) percent to fifty (50%) percent and increases the wildlife funding target from five (5%) percent to ten (10%) percent for Fiscal Years 2019 through 2023.
- Adds practices to the Wildlife Habitat Incentives Program that address post-harvest flooding or that maintain the hydrology of temporary or seasonal wetlands for waterfowl and migratory bird habitat on working cropland.
- Provides payments for water conservation and system efficiency to certain entities (e.g., State, irrigation district, groundwater management district, acequia, land-grant mercedes or similar entity) or producers; and provides the Secretary with authority to waive the Adjusted Gross Income and EQIP payment limitations to certain entities.
- Removes the yearly payment limitation and increases the program payment limitation to \$140,000 for payments under the EQIP Organic Initiative (applicable to contracts entered during FY 2019 through FY 2023).
- Introduces incentive contracts, which can address up to three priority resource concerns for each of the relevant land uses within State-identified watersheds or other areas of high priority. Payments are made as annual payments for incentive practices, and as practice payments to be paid upon practice implementation. Contract terms will be five to ten years in length.
- Adds the word “progressive” to the “development and progressive implementation” of a comprehensive nutrient management plan for livestock feeding operations;
- Maintains the payment limitation \$450,000 for all contracts entered during FY 2019 through FY 2023.
- EQIP is funded at the following levels:
 - \$1,750,000,000 for FY 2019
 - \$1,750,000,000 for FY 2020
 - \$1,800,000,000 for FY 2021
 - \$1,850,000,000 for FY 2022
 - \$2,025,000,000 for FY 2023
- The Conservation Innovation Grants (CIG) program:
 - Retains existing partners and explicitly adds community colleges as a potential beneficiary of CIG projects;
 - Adds additional potential focus areas for the program, including innovative conservation practices for urban, indoor or other emerging agricultural practices and edge-of-field water quality monitoring (as referenced in section 1240H(a)(2)(E) and (F));

- Introduces a new component for On-Farm Innovation Trials, and makes available at least \$25 million of EQIP funding each fiscal year for FY 2018-2023;
- Requires the Secretary to carry out a Soil Health Demonstration Trial; and
- Requires the Secretary to use the data and information from the CIG program and its components to establish and maintain a publicly available conservation practice database.

Most program participants are required to contribute at least twenty-five (25%) percent of the resources needed to implement conservation practices. Contributions by historically underserved participants (producers who meet the requirements for a beginning farmer or rancher (BF/R), socially disadvantaged farmer or rancher, limited-resource farmer or rancher, or a veteran farmer or rancher) are ten (10%) percent.

NRCS determined that the Agency needs standard criteria for implementing the program, and program participants need predictability when initiating an application. The regulation aims to establish a comprehensive framework for working with program participants to implement EQIP. It also simplifies the administrative complexity of EQIP to focus on provisions that relate to participants' rights and responsibilities under the program. Upon consideration of public comment, NRCS will promulgate the final program regulations.

CIVIL RIGHTS IMPACT ANALYSIS

The Civil Rights Impact Analysis (CRIA) is directed towards the identification of any actual or potential civil rights issues. The purpose is to identify, if any, adverse implications the EQIP Rule will have on any affected group, and rationally and reasonably dispose of each. Disparate impact occurs when a recipient uses a policy or practice that, while neutral on its face and applicable to everyone, disproportionately and adversely affects members of a protected group and the recipient can articulate no substantial legitimate justification. The theory of disparate impact does not require proof of discriminatory intent, but centers around the adverse effect(s) that a policy or practice has on protected groups.

The analysis evaluated the extent to which the various populations are affected by the rule, and how the impact is manifested. The includes: (A) General provisions; (B) Administration and development; (C) Historical participation data; (D) Eligibility criteria; (E) Outreach strategy; (F) Barrier removal provisions; (G) Conclusion; and (H) NRCS Civil Rights Director's certification. The examination sought to determine if all minority groups:

- are provided the same opportunities to participate in the decision-making or rulemaking process for EQIP;
- have historically been provided the same opportunities to participate in NRCS-administered programs; and
- are provided the same information to decide if they wish to participate in EQIP.

A. General Provisions

Through EQIP, NRCS continues USDA's commitment to streamlining and improving conservation programs and providing flexible technical and financial assistance to producers to install and maintain conservation systems that enhance soil, water, related natural resources (including grazing land and wildlife habitat) while sustaining production of food and fiber. EQIP activities will be carried out according to an EQIP plan of operations. This plan of operations addresses the conservation objectives to be achieved through one or more conservation practices or activities. EQIP is a voluntary program and offers financial and technical help to participants to perform or implement conservation practices and activities on eligible land based on contracts with terms of up to ten years. These practices are subject to NRCS technical

requirements which are adapted for local conditions.

B. Administration and Development

The Secretary of Agriculture has delegated authority to the Chief of NRCS to implement EQIP. The NRCS Chief may implement the program in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

- **Program Delivery:** EQIP helps agricultural and livestock producers to conserve and enhance soil, water, air, plants, animals (including wildlife), energy, and related natural resources on their land. Eligible lands include cropland, grassland, rangeland, pasture, nonindustrial private forest land, and other agricultural land on which agricultural or forest-related products or livestock are produced and natural resource concerns may be addressed.
- **Signup Period and Contract Determinations:** EQIP applications are made available on the USDA and NRCS websites, by partners, and through direct outreach. Information is provided that explains the process to request assistance. Applications are accepted on a continuous basis throughout the year.

C. Historical Participation Data

Although historical data reflecting participation in EQIP has been maintained, the data reporting has been deemed unreliable, especially as it relates to persons with disabilities. Program participant reporting of demographic information is voluntary and third-party reporting is allowed by agency employees. Program participants are not required by law to identify disability as a condition of participation. Therefore, due to the unreliability of the historical data, a comprehensive barrier analysis on program participation could not be conducted.

NRCS works primarily with three key operational databases: ProTracts, the National Easements Staging Tool (NEST), and the Financial Management Modernization Initiative (FMMI). In addition to these datasets, NRCS also works with agency data stewards regarding the National Conservation Planning and Agreements Database (NPAD) database.

ProTracts is NRCS' primary software application for managing several financial assistance programs, including EQIP. This application is used to help manage the ranking and funding of applications and to carry out the contract development process. Agency data is captured at the end of each quarter and includes basic performance, i.e., number of program applications, contracts and acres. Race, ethnicity, and sex data specific to the participant are available through the link to the Service Center Information Management System that contains information for each customer.

The Census of Agriculture accounts for all U.S. farms and ranches and the people who operate them. The USDA National Agricultural Statistics Service's (NASS) 2012 Census data reports that there is a total of 3,180,074 Principal Operators with farms. They also report the following National Selected Principal Operator numbers for the various Equal Opportunity (EO) groups.

Total Operators by Equal Opportunity Groups

Female Operators	288,264
White Operators	3,051,472
Black Operators	46,582
Hispanic Operators	99,734
American Indian Operators	71,947
Asian Operators	24,067
Native Hawaiian (Pacific Island) Operators	3,236

The following EQIP participation data for the period FY 2015- FY 2017 has been supplied and the calculation of the percentage of Principal Operators is based on NASS data reported in the 2012 Census of Agriculture for each of the groups. It should be noted that program participation rates in the following charts refer to contracts, not applications; applicants are potential eligible operators. The program participation numbers are incomplete in that they do not include persons or business entities that did not report race or gender. However, a review of the program participation data maintained indicates that program parity is relative to the NASS data.

Based on the 2012 Ag Census there are over 3,180,074 farms in the United States. White operators control 3,051,472 farms or **93%**, Hispanic operators control 99,734 (**3%**), American Indians operators control 71,947 farms (**2%**), Black or African American Operators control 46,582 farms (**1%**), and AAPI operators control 27,913 farms (**.88%**). Participation in USDA programs is voluntary. If only 27 AAPI operators throughout the United States participated in EQIP, the representation calculation for this group would be so close to zero that a zero-participation rate is in proportion to their REG group.

FY 2015

EQIP	Male	Female	American Indian/Alaska Native (AI/AN)	Asian American Pacific Islander (AAPI)	Black	Hispanic	White
Number of Contracts	23,725	4,903	632	581	1,140	1,062	29,245
Funds Awarded *	\$565,919,568	\$105,593, 787	\$25,241,035	\$19,137,829	\$15,181,802	\$24,412,730	\$747,296,508
Percentage of Principal Operators in the United States	83%	17%	1.94%	1.78%	3.49%	3.25%	89.54%
Percentage of Dollars Awarded	84%	16%	3.04%	230%	1.83%	2.94%	89.90%
Average Funding per Contract*	\$23,853.30	\$21,536.57	\$39,938.35	\$32,939.47	\$13,317.37	\$22,987.50	\$25,552.97
Acres	5,977,341.6	927,629.6	828,639.8	23,516.8	53,322.4	357,790.6	8,512,046.5
Cost/Acres*	\$94.68	\$113.83	\$30.46	\$813.79	\$284.72	\$68.23	\$87.79

EQIP	Male	Female	AIAN	AAPI	Black	Hispanic	White
Number of Applications	98,176	20,430	3247	1733	5802	3392	121,028
Number Approved	23,803	4,924	632	583	1,145	1,064	29,343
Percentage Approved	24%	24%	19%	34%	20%	31%	24%

FY 2016

EQIP	Male	Female	AIAN	AAPI	Black	Hispanic	White
Number of Contracts	26,251	5,566	765	708	1,298	1,039	32,233
Funds Awarded*	\$690,806,342	\$123,532,086	\$36,346,748	\$25,151,485	\$19,496,389	\$30,554,886	\$890,520,701
Percentage of Principal Operators in the United States	83%	17%	2.12%	1.96%	3.60%	2.88%	89.43%
Percentage of Dollars Awarded	67.2%	12.0%	3.5%	2.7%	1.9%	3.0%	86.6%
Average Funding per Contract*	\$26,315.43	\$22,194.05	\$47,512.09	\$35,524.70	\$15,020.33	\$29,407.98	\$27,627.61
Acres	6,201,415.9	1,061,611.3	1,098,627.4	26,604.0	67,752.2	404,546.9	8,754,741.3
Cost/Acres*	\$111.39	\$116.36	\$33.08	\$945.40	\$287.76	\$75.53	\$101.72

EQIP	Male	Female	AIAN	AAPI	Black	Hispanic	White
Number of Applications	98,748	20,992	3475	1709	6597	3250	120,217
Number Approved	26,321	5,591	767	709	1,307	1,042	32,322
Percentage Approved	27%	27%	22%	41%	20%	32%	27%

FY 2017

EQIP	Male	Female	AIAN	AAPI	Black	Hispanic	White
Number of Contracts	28,102	6,205	684	643	1,516	768	34,378

Funds Awarded*	\$772,686,517	\$146,554,456	\$38,821,179	\$24,479,887	\$22,065,381	\$26,027,477	\$981,123,168
Percentage of Principal Operators in the United States	82%	18%	1.80%	1.69%	3.99%	2.02%	90.49%
Percentage of Dollars Awarded	84%	16%	3.55%	2.24%	2.02%	2.38%	89.80%
Average Funding per Contract*	\$27,495.78	\$23,618.77	\$56,756.11	\$38,071.36	\$14,555.00	\$33,889.94	\$28,539.27
Acres	7,082,032.8	1,226,830.7	959,316.5	22,617.4	70,138.5	300,156.9	9,770,829.4
Cost/Acres*	\$109.11	\$119.46	\$40.47	\$1,082.35	\$314.60	\$86.71	\$100.41

EQIP	Male	Female	AIAN	AAPI	Black	Hispanic	White
Number of Applications	95,650	20,759	3186	1795	5975	2438	116,674
Number Approved	28,178	6,235	685	645	1,522	770	34,477
Percentage Approved	29%	30%	22%	36%	25%	32%	30%

*An analysis of barriers to minority participation has revealed that, overall, minority farmers have less acreage. So, because their holdings are smaller, the total cost to apply conservation practices across their entire operation to address their resource concerns would typically be lower in total cost. In contrast, white farmers have more acreage and because their holdings are larger, the total cost to apply conservation practices across their entire operation to address their resource concerns would typically be higher total in cost.

2017 EQIP Top Three (3) Conservation Practices by Race Ethnicity and Gender Group

According to the state payment information on practices it is observed that combustion system improvement is a much higher dollar value practice than other practices. The state payment information supports not just how a Zero participation value can be in proportion to other payment but can also.

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/econ/costs/>

Top three (3) Conservation Practices	1st	2nd	3rd
White Operators	cover crop	fencing	cropland annual payment
Black Operators	fencing	heavy use area protection	watering
Hispanic Operators	fencing	cover crop	brush management
American Indian Operators	watering	fencing	Livestock pipeline
Asian Operators	fencing	heavy use area protection	watering
Native Hawaiian (Pacific Island) Operators	combustion system improvements	amendments for treating ag waste	heavy use area protection

Average Farm Acres by Race Ethnicity and Gender Group (NASS 2012 Census Data)

Total Farm Average Acres	434
Female Operators	217
White Operators	424
Black Operators	125
Hispanic Operators	374
American Indian Operators	1,021
Asian Operators	135
Native Hawaiian (Pacific Island) Operators	241

A comparison of the three-year trend shows an overall increase in participation among all races and genders. An exception occurs in 2017, when Hispanic participation

decreased in comparison to other groups. The three-year trend for funds awarded reveals no apparent connection between race and contract or application rates. Every year, White Operators received the bulk of funds because they are participating in greater numbers than any other group. However, application approval rates for Minority Operators indicated over the three-year trend higher and in some cases equal to the White Operators approval rates.

Asian Americans are the smallest participating group in EQIP. This may be influenced by several factors such as language, type of operation owned, as well as acres owned. In addressing the lower participation rates of Asian American Operators, NRCS is working in accordance with Limited English Proficiency (LEP) guidelines to ensure outreach materials are available in other languages and in alternative formats for all Minority Operators. The program is implemented by use of multi-year contracts and outreach will be targeted to potentially eligible landowners that may not be aware of the program.

American Indians are also a small participating group in EQIP. This may be influenced by the unique land ownership issues associated with Indian land. NRCS contracts with American Indians are more frequently made with tribes and tribal entities as opposed to individual Indian land owner. Fractionated land can only qualify for program participation when the control and ownership can be properly documented. It is anticipated that the change in payment limitations for American Indians will increase program participation. Over the three-year trend there were increased approval rates for Minority Operators, which is likely due to the setting aside five (5%) percent of EQIP acres for socially disadvantage farmers and ranchers and an additional five (5%) percent of EQIP acres for beginning farmers and ranchers.

NRCS also complies with the law in regard to the assessment and evaluation of compliance for the Agency's federally assisted and conducted programs. On a cycle of every five years, the Agency's Civil Rights Division conducts a thorough Civil Rights Compliance Review. Program participation data is reviewed for parity to ensure equitable program participating opportunities and freedom from potential barriers. NRCS has also invited the Office of the Assistant Secretary for Civil Rights compliance staff to participate in the NRCS compliance review process.

D. Eligibility Criteria

The regulation provides that eligible producers who are engaged in agricultural, livestock or

timber production on eligible land may apply for the EQIP program.

Eligible land includes cropland, rangeland, grassland, pasture, nonindustrial private forest land, and other land on which agricultural products, livestock or forest-related products are produced and resource concerns may be addressed. Other agricultural lands may include cropped woodland, marshes, environmentally sensitive areas, and other types of agricultural land used to produce livestock. However, land may be considered for enrollment in EQIP only if NRCS determines that the land is:

- 1) Privately-owned land;
- 2) Publicly-owned land where:
 - a. The land is a working component of the participant's agricultural and forestry operation;
 - b. The participant has control of the land for the term of the contract; and
 - c. The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified natural resource concern.
- 3) Indian land

To be an eligible producer, an applicant must meet all the following criteria:

- 1) A person, legal entity, Indian Tribe, native corporation, or joint operation with signature authority;
- 2) Engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land being offered for enrollment;
- 3) Have control of the land for the term of the contract period;
- 4) Be in compliance with the provisions for protecting the interests of tenants and sharecroppers;
- 5) Be in compliance with the highly erodible land and wetland conservation compliance provisions set out at 7 C.F.R. Part 12;
- 6) Be within the appropriate payment limitation requirements; and
- 7) Be in compliance with the adjusted gross income (AGI) requirements, as specified in 7 C.F.R. Part 1400.

The applicant is responsible for providing documentation to establish producer eligibility for EQIP.

E. Outreach Strategy

Purpose

This outreach plan focuses on Historically Underserved audiences and tribal partners. It identifies messages and approaches that NRCS will utilize to provide proactive and strategic outreach for NRCS voluntary conservation programs as identified in the 2018 Farm Bill.

Background

Outreach is an integral part of the overall delivery of the NRCS programs and services to customers and potential beneficiaries. NRCS conducts business to ensure that all programs and services are made

equally accessible to all customers, with emphasis on the traditionally underserved, minority-serving institutions and persistent poverty communities. Outreach allows NRCS to be creative and innovative in the way the agency achieves its mission of 'HELPING PEOPLE, HELP THE LAND'. NRCS considers outreach as an ongoing informational campaign designed to educate the public and make them aware of who we are and what we do.

NRCS works in coordination with other USDA and Federal agencies to ensure that we are consistent with our outreach approach to serve Historically Underserved (HUS) producers and populations in rural and urban America.

NRCS continues to collaborate and work with a variety of Community Based Organizations (CBOs) to include Asian, Hispanic, and African American serving institutions, Tribes, Tribal Entities, Federal and State agencies and other groups that have a similar interest to ensure that the 2018 Farm Bill and all provisions are made available to all that apply and meet the required program eligibility.

The 2017 U.S. Department of Agriculture Census of Agriculture will serve as the basis for identifying the historically underserved populations with the most critical conservation needs and assist in targeting outreach program assistance.

GOALS

- Increase by thirty (30%) percent the number of strategic outreach partnership agreements to assist with promoting NRCS financial assistance conservation programs to historically underserved populations. To be completed by January 1, 2020. This goal will be evaluated annually based on needs and available funding.
- Increase by ten (10%) percent the number of eligible program applications received from historically underserved populations using FY 2018 application data as the baseline. To be completed by November 30 of each year.
- Ensure that all NRCS 2018 Farm Bill programs and services are made accessible to all customers, fairly and equitably, with emphasis on reaching underserved and socially disadvantaged farmers or ranchers and landowners including veterans, tribes and tribal members. Ongoing.
- Educate and inform NRCS employees regarding the unique nature of working with Historically Underserved and tribal audiences. Ongoing. Will occur at state meetings and also during scheduled VTC's with states.
- Educate and inform existing NRCS customers and potential new NRCS customers on NRCS conservation programs available to them through the 2018 Farm Bill using plain, understandable language. Ongoing.
- Tailor Farm Bill outreach messages and products to specific audience needs, for example providing translated materials, graphically-enhanced materials, and readable, common-sense messaging. Ongoing. Will develop as needs are identified.
- Successfully obligate Farm Bill financial and technical assistance dollars to align with USDA Strategic Goals. Ongoing.
- Value of Conservation: Highlight the value of private lands conservation and the important role that agricultural producers play in voluntarily conserving the nation's resources. Ongoing.

PROCESS

NRCS staff must use every imaginative tool possible to enlighten and assist agricultural producers attain their economic, natural resource and environmental goals. The agency is aware which States have some of the oldest median age of agricultural producers in the United States. An aging population, advances in agricultural technology, and long-standing customs, tradition, and Tribal hierarchy require a balance of

traditional or ‘old school’ with ground-breaking or ‘new wave’ approaches to working with the NRCS customers.

The agency structure at the State level consists of one State Outreach Coordinator to provide advice and recommendations to the State Conservationist on State specific outreach priorities. States have the flexibility to develop outreach plans to meet their specific needs. The National Outreach & Partnership Division (OPD) will work with the Outreach State coordinators to provide general and specific techniques that are flexible and beneficial to the success and outcome of our conservation program participation and services. State Outreach Coordinators should work with the OPD staff to implement training tools and techniques that are transparent and can be synchronized with the Outreach training course.

NRCS will continue to collaborate at the national and local level with community-based organizations through cooperative partnership agreements which assist new immigrant farmers, specialty crop farmers, and limited resource and socially-disadvantaged farmers and ranchers with technical assistance, on-site demonstrations, program awareness, inner-city urban agriculture, land loss prevention, and training opportunities.

NRCS will continue to partner with tribal entities to conduct face-to-face educational meetings and workshops with tribes and their members to further explain 2018 Farm Bill programs. These entities will not only assist with identifying barriers within the 2018 Farm Bill that impede tribes and their members from participation in programs and will also provide the agency with verifiable data that will assist agency leadership in making sound decisions that will limit major program participation obstructions.

KEY MESSAGES

NRCS has knowledgeable staff and strong partners who can assist producers to understand the changes in the 2018 Farm Bill for them to address any barriers that may impede a producer’s or tribes’ participation.

Understanding the 2018 Farm Bill and all provisions that may apply to one’s farming operation can be complex and confusing. NRCS is committed to ensuring impacted persons receive high quality service and the information necessary to comply with the policies and regulations of the program or programs in which they apply and will strive to minimize administrative burden.

NRCS provides one-on-one, personalized advice on the best solutions to meet the unique conservation and business goals of those who grow our nation’s food and fiber.

NRCS works with all types of agricultural producers, including non-traditional producers, such as organic and urban farmers; underserved audiences, such as veterans and beginning farmers; tribes and individual tribal members.

NRCS helps people make investments on their farming operations and local communities to keep working lands working, boost rural economies, increase the competitiveness of American agriculture, and improve the health of our air, water, soil, and habitat.

NRCS generates, manages and shares the data, technology and standards that enable partners and policymakers to make decisions informed by objective, reliable science.

AUDIENCES

EMPLOYEES	NRCS employees – national, state and local offices Other USDA employees within the Farm Production and Conservation (FPAC) mission area. Focus will be on effective messaging and strategies to reach underserved audiences
HISTORICALLY UNDERSERVED AGRICULTURAL AUDIENCES	Beginning Farmer/Ranchers Veteran Farmer/Ranchers Socially Disadvantaged Farmer/Ranchers Minority farmer/rancher organizations Women-owned farmer/rancher organizations
TRIBES	Native American Tribes across the United States Bureau of Indian Affairs Tribal interest organizations such as Intertribal Agriculture Council
NGOS/NON-PROFITS	Non-governmental organizations and Universities/Colleges including land grant Universities with a focus on underserved audiences and tribes. Examples include: Farmer Veteran Coalition, tribal colleges, 1890, 1994 colleges, minority serving institutions
AGRICULTURAL PRODUCERS	Farmers Ranchers Non-Industrial Private Forest Owners
SWCD-Related PARTNERS	National Association of Conservation Districts National Associations of RC&D Councils National Association of State Conservation Agencies National Conservation Employee Association Soil and Water Conservation Districts
STATE and FEDERAL PARTNERS	State Departments of Agriculture; Fish and Wildlife/Game; Forestry; and other natural resource-related agencies Federal agencies related to natural resources management, including but not limited to: U.S. Fish and Wildlife Service Bureau of Land Management U.S. Army Corps of Engineers Bureau of Reclamation NOAA National Marine Fisheries USDA Farm Service Agency USDA Forest Service USDA Risk Management Agency Other USDA Agencies
NEWS MEDIA	National, regional and local news media outlets across the country that focus on underserved agricultural producers and tribes; as well as Ag-specialty publications and Ag radio.

COMMUNICATIONS

NRCS uses all forms of written, social media, and traditional media to effectively communicate with our historically underserved customers. NRCS produces numerous pamphlets, documents, press releases, memorandums, and displays in a variety of languages. To date, 20 States have published NRCS information in different languages. The most common language is Spanish. These have also been translated into Russian, Hmong, Korean, Vietnamese, Mandarin, Japanese, Portuguese, and some Tribal languages.

NRCS's social media presence continues to improve. YouTube videos have been produced in Spanish and Korean. The agency also uses its Twitter account to post messages in Spanish. NRCS's Facebook account can be used for messages in other languages as well.

NRCS will utilize Agency and State websites to provide up-to-date, accurate information about programs available and program signup dates so that our constituents are well informed.

NRCS will continue to utilize the communications methods described above along with weekly e-newsletters to disseminate information programs and services and other information so that our constituents are well informed.

NRCS will communicate with partner groups regularly via email so that can receive targeted updates of important information quickly and uniformly.

NRCS will work collaboratively with other USDA agencies to develop materials and host outreach webinar sessions that will provide a consistent and focused message while maximizing multiple distribution channels and audiences. Products will be formatted and refined by agency Public Affairs Staffs. Once products are developed and approved, they will be disseminated simultaneously to each agency's audience, as well as to the public.

Alignment with NRCS Communications Plan: Outreach efforts identified in this strategy will align with communications goals and tactics identified in the NRCS Communications Strategy. Communications products will be coordinated through appropriate public affairs staff within the FPAC External Affairs Division.

Group Outreach

NRCS Outreach will work collaboratively with the External Affairs Division to ensure consistent messaging and top-quality materials that will effectively engage underserved audiences. NRCS will provide adequate services to existing and new partnerships in a way that is both mutual and beneficial to the agency's goals and objectives. This effort should reflect that everything we do aligns with the Secretary's mission and Farm Bill.

NRCS will continue to partner with community-based organizations, Soil and Water Conservation Districts, and other entities to increase the number of individuals providing information to constituents in a timely fashion. NRCS enters into contribution agreements to expand outreach activities at the local level with our core conservation partners: National Association of Conservation Districts, National Associations of RC&D Councils, National Association of State Conservation Agencies and National Conservation Employee Association. NRCS will collaborate with the 1890, 1994 and Land Grant Colleges and Universities on ways to expand outreach to historically underserved constituents and communities.

NRCS Outreach & Partnerships Division will engage in and advance environmental justice strategies and priorities by cultivating stronger partnerships with community-based

organizations, Federal agencies and other stakeholders, to address environmental challenges and issues in vulnerable and persistent poverty communities and populations.

NRCS will participate to the extent possible in external meetings, conferences and expos to disseminate program information to historically underserved individuals and groups. NRCS will utilize the existing professional employee organizations as medians for reaching historically underserved customers.

NRCS will continue to explore opportunities to engage historically underserved producers in environmental markets and conservation finance opportunities, tapping into new revenue streams and sources of private capital for producers.

NRCS will collaborate and implement technical assistance strategies for coordinating a more effective outreach to community base organizations and grass root organizations. That will engage new beginning farmers, historically underserved, Social Disadvantaged Farmer and Ranchers, limited resource, veterans, etc. in aiding from State, field and local level to set goals and objectives on conservation practices and benefits.

NRCS Outreach & Partnership Division will seek to provide a better understanding and public awareness of the general knowledge and basic benefits of USDA NRCS conservation programs by working in unison with the Department's Office of Partnership and Public Engagement and NRCS State and Field staff.

NRCS Outreach & Partnership Division will/or should engage staff in partnership outreach efforts by connecting USDA programs to communities while collecting data and input from farming communities to help USDA better serve their customers' needs in conservation.

Tribal Government Relations and Impact Statement:

NRCS provides conservation programs and technical services to American Indians, Alaska Natives and Tribal governments. This is done through 45 full-time and 30 part-time field offices on Indian lands and through numerous other field offices located off Indian lands. Working with the Indian Nations Conservation Alliance (INCA) NRCS has assisted with the establishment of 54 Tribal Conservation Districts and 4 State Tribal Conservation Advisory Councils.

- Regional Tribal Conservation Advisory Councils. In order to strengthen working relationships with Indian Tribes, NRCS established three advisory councils in 2012. The Agency uses the Councils to assist in establishing regular and meaningful consultation and collaboration with Tribal representatives and officials in the development of Federal policy that has Tribal implications. The Councils assist NRCS's Chief, Regional Conservationists, and State Conservationists in strengthening government-to-government relationships and clarifying lines of communication and consultation with American Indian Tribes. Each Council holds three meetings annually.

Overview: NRCS administers conservation programs and technical assistance to American Indians and Alaska Natives (AIAN) and adheres to all Executive Orders concerning government-to-government relations fulfilling the agency's trust responsibility to Tribes and Tribal individuals. NRCS has made a concerted effort to improve the USDA conservation program delivery and technical assistance to AIAN provided by NRCS offices nationwide.

NRCS enters into grant, cooperative and contribution agreements with Tribal organizations that can help NRCS improve working relationships with Indian tribes and works closely with other USDA agencies to promote a seamless delivery system to conservation programs.

Indian Country: NRCS has been working in Indian Country for a quarter century. In 1980, NRCS opened their doors to Tribal lands, providing programs and technical services to AIAN and Tribal governments. Currently NRCS has 45 full-time and 30 part-time field offices on Indian lands. There are approximately 150 NRCS Tribal liaisons serving 573 Federally-recognized tribes. The Agency has over 300 AIAN employees. To-date, the Secretary of Agriculture has entered into mutual agreements with 54 Tribal Conservation Districts, including 19 in Alaska.

Purpose and Policy: In furtherance of the unique status of Indian Tribes, their members, and the government-to-government relationship between the United States and Indian Tribes, the NRCS has developed policy to provide guidance for interactions with Indian Tribes and their members.

- NRCS, as a federal agency, acknowledges the trust responsibility relationship between the federal government and Indian Tribes as established by specific statutes, treaties, court decisions, executive orders, regulations and policies.
- NRCS will consult and work with Indian Tribes before making decisions or implementing policy, rules or programs that may affect an Indian Tribe to ensure that Tribal rights and concerns are addressed.
- NRCS will identify and take appropriate steps to remove impediments to working directly and effectively with Indian Tribes.
- NRCS will work with other federal agencies and other governmental or non-governmental entities to further the goals of this policy.
- NRCS will work with Indian Tribes to achieve their goal of self-sufficiency.

Partnerships: As tribes move into more active roles of land management and use the authorities available to them, NRCS will work to increase the opportunities for them to benefit from NRCS programs and help NRCS benefit from the tribal interactions. The AIAN has always been involved in the stewardship of their ancestral lands. NRCS shares these values and knows that mutual respect is the key ingredient to further government-to-government relations. The tribes have a rich heritage in the knowledge of land, water, wildlife, air, and soils; and NRCS works to partner this knowledge with its own. NRCS also established agreements with Indian Nations Conservation Alliance (INCA), Intertribal Agricultural Council (IAC), American Indian Higher Education Consortium (AIHEC), United South Eastern Tribes, Inc. (USET), First Nations Development Institute (First Nations), Indigenous Food and Agriculture Initiative (IFAI) and many others to further our presence in Indian Country.

Tribal Impact Statement

Pursuant to EO 13175, there is no negative impact for American Indians, American Indian tribes, and tribal entities.

F. Barrier Removal Provisions

The following barriers to participation have been identified based on participant feedback in past focus groups and listening sessions: there is a distrust of the federal government because of past class action cases; absence of a clear land title or the inability to demonstrate control of the land for enrollment purposes; lack of funding based on the cyclical application process; a desire for a higher cost share from the government for limited resource and minority participants; complaints about non-responsive field offices and non-utilization of technology allowing farmers to conduct business with the agency

from the farm; non-compliance with receipt-for-service requirements; inconvenient office hours and service locations; lack of diversity in the workforce; delays due to contract modifications; a desire to expand projects covered; unique challenges faced by American Indians because of their government-to-government relationship with the federal government and their unique way of operating.

The National Outreach Division is requesting that State Outreach Program Managers further analyze these issues above so that they can develop more targeted approaches to outreach and increased participation. They have also been requested to incorporate feedback gleaned from 2018 Farm Bill Listening Sessions.

The Civil Rights and EEO Division is also working with the regional conservationists and have arranged to monitor state outreach plans and progress towards meeting measurable milestones by issuing a bi-annual call letter to the states requesting status reports.

G. Conclusion

The civil rights review of the Interim Rule disclosed no disproportionate or adverse impacts for minorities, women or persons with disabilities. The data presented indicates producers who are members of the protected groups have participated in NRCS conservation programs at parity with other producers. Specific program outreach efforts target groups such as American Indian tribes. NRCS' partnerships with local working groups and Conservation Districts, as well as the USDA Office of Tribal Relations, have increased participation in NRCS financial assistance programs.

Upon review of the historical participation data, it is reasonable to conclude that NRCS programs, including EQIP, will continue to be administered in a non-discriminatory manner. Outreach and communication strategies are in place to ensure that all producers will be provided the same information to allow them to make informed compliance decisions regarding the use of their lands that will affect their participation in USDA programs. EQIP applies to all persons equally regardless of their race, color, national origin, gender, sex or disability status. Therefore, the EQIP Rule portends no adverse civil rights implications for persons of any gender, racial or ethnic group or with a disability.

H. Certification

I certify that the review and analysis of the 2018 EQIP Interim Rule has been conducted in accordance with DR 4300-4, "Civil Rights Impact Analysis"; 7 C.F.R. Part 15d, "Nondiscrimination in Programs and Activities Conducted by USDA"; and DR 1512-1, "Regulatory Decision-Making Requirements." The EQIP Interim Rule portends no adverse civil rights implications for women, minorities and persons with disabilities.

Tiffany Y. Wallace
Branch Chief, Program Processing and Resolution Branch
Civil Rights and Equal Employment Opportunity Division
Farm Production and Conservation Business Center

Date